

## **EXHIBIT 4**

1 UNITED STATES DISTRICT COURT  
2 FOR THE WESTERN DISTRICT OF NEW YORK  
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4 BLACK LOVE RESISTS IN THE RUST, et al.,  
5 individually and on behalf of a class of  
all others similarly situated,

6 Plaintiffs,

7 -vs- 1:18-cv-00719-CCR

8 CITY OF BUFFALO, N.Y., et al.,

9 Defendants.  
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11 CONTINUED

12 ORAL EXAMINATION OF DANIEL DERENDA

13 APPEARING REMOTELY FROM

14 BUFFALO, NEW YORK

15

16

17 December 23rd, 2021

18 At 9:20 a.m.

19 Pursuant to notice

20

21 REPORTED BY:

22 Rebecca L. DiBello, RPR, CSR(NY)

23 APPEARING REMOTELY FROM ERIE COUNTY, NEW YORK

DEPAOLO CROSBY REPORTING SERVICES, INC.

135 Delaware Avenue, Suite 301, Buffalo, New York 14202  
716-853-5544

1                   My question is asking about the fact  
2                   that more than 80 percent of the checkpoints  
3                   were in black neighborhoods.

4                   MR. QUINN: Object to the form.

5                   A. If that's what your stats show, then that's  
6                   what they were.

7                   Q. Did you specifically place checkpoints in  
8                   places where you wanted to have a highly  
9                   visible presence?

10                  A. Again, going back to two reasons for the  
11                  checkpoints. Traffic safety and high  
12                  visibility. You wanted people to see them.  
13                  You wanted them to be there or wherever there  
14                  was or wherever we had issues with crime, so  
15                  if you had a checkpoint somewhere where you  
16                  had issues with shootings or burglaries,  
17                  again, with the police standing there it's  
18                  highly unlikely that these crimes would be  
19                  committed.

20                  Q. You didn't set checkpoints in places where  
21                  there were a lot of accidents, right?

22                  A. I don't believe I used accidents as a  
23                  criteria. It's possible we did, but I don't

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1                   Lockwood about changing checkpoint locations?

2         A. I don't recall, but probably.

3         Q. To your knowledge, did Mayor Brown direct this  
4                   change in checkpoint location?

5         A. Mayor Brown didn't direct anything with  
6                   policing. He always wanted to know what we  
7                   were doing. He never told me to do anything.

8         Q. At the bottom of the email Captain Serafini  
9                   says we are going to come under a lot of  
10                  scrutiny in the next couple of months due to  
11                  the upcoming mayoral election and I want to  
12                  reinforce to the public the good work that you  
13                  and the officers of the Strike Force and  
14                  housing units perform on a daily basis.

15                   Do you think that the change in  
16                  checkpoint locations was related to the  
17                  upcoming mayoral election?

18                   MR. QUINN: Form.

19         A. I don't know what it was related to. Again, I  
20                  don't recall. Maybe the issues the council  
21                  had. I don't recall exactly what took place.

22         Q. Do you recall back in July of 2017 the city  
23                  council passed a resolution pertaining to the

1 STATE OF NEW YORK )  
2 COUNTY OF ERIE )  
3  
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I, Rebecca Lynne DiBello, CSR, RPR, Notary Public, in and for the County of Erie, State of New York, do hereby certify:

That the witness whose testimony appears hereinbefore was, before the commencement of their testimony, duly sworn to testify the truth, the whole truth and nothing but the truth; that said testimony was taken pursuant to notice at the time and place as herein set forth; that said testimony was taken down by me and thereafter transcribed into typewriting, and I hereby certify the foregoing testimony is a full, true and correct transcription of my shorthand notes so taken.

I further certify that I am neither counsel for nor related to any party to said action, nor in anyway interested in the outcome thereof.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my seal this 8th of January, 2022.

Rebecca L. DiBello

Rebecca Lynne DiBello, CSR, RPR  
Notary Public - State of New York  
No. 01D14897420  
Qualified in Erie County  
My commission expires 5/11/2023